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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

STOR-MOR OF CYPRESS, L.P., a  
California limited partnership

Plaintiff,

vs.

GAK, LLC, a California limited liability  
company; OPTIVEST NSA HOLDINGS,  
LLC, a California limited liability Company,  
ANDRIE F. GRIMAUD, a natural person;  
MICHAEL R. MARQUARDT, a natural  
person

Defendant.

CASE NO.

Originally filed in the Superior  
Court for the State of California,  
County of Orange,  
Case No. 30-2015-00773396-  
CU-BT-CJC

**NOTICE OF REMOVAL OF  
ACTION PURSUANT TO 28  
U.S.C. §§ 1441(a) and 1446(b)**

Date:  
Time:  
Dept:  
Judge:

Complaint filed: February 25,  
2015

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE THAT Defendants ANDRIE F. GRIMAUD and  
MICHAEL R. MARQUARDT ("Defendants") hereby removes to this Court the  
state court action described below.

1. On February 25, 2015, an action was commenced in the Superior  
Court of the State of California in and for the County of Orange ("Orange County  
Superior Court"), entitled *Store-Mor Of Cypress, L.P., a California limited*

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partnership v. GAL, LLC, a California limited liability company; OPTIVEST NSA HOLDINGS, LLC, a California limited liability company, ANDRIE F. GRIMAUD, a natural person; MICHAEL R. MARQUARDT, a natural person; and DOES 1 through 10, inclusive, as Case No. 30-2015-00773396-CU-CT-CJC. A true and correct copy of the complaint is attached hereto as Exhibit A.

2. The first date upon which Defendants obtained a copy of said complaint was March 3, 2015, when Defendants, after receiving notice of Plaintiff's Application for Temporary Restraining Order, obtained it from court records. To date, Defendants' have not been formally served with either the complaint and summons. True and correct copies of the complaint obtain from court records is attached hereto as Exhibit B. Defendant attended the Superior court Temporary Restraining Order hearing on March 5, 2015. The Temporary Restraining Order was denied and continued to March 10, 2015. A copy of the Ex Parte Application for Temporary Restraining Order and Motion for Preliminary Injunction are included in Exhibit A.

3. This Notice of Removal is timely in that it is filed within thirty (30) days of service of the Complaint. Defendant obtained a copy of the complaint from received its first notice of the fact indicating that the case was removable within the meaning of 28 U.S.C. §§ 1441(a) and 1446(b).

#### **BASIS FOR REMOVAL**

4. This action is a civil action over which this Court has original jurisdiction under U.S.C. § 1331, and is one which may be removed to this court by Defendant pursuant to the provisions of 28 U.S.C. § 1441(a) in that the action arises under Section 43 of the Lanham Act and alleges claims for trademark cancelation of a federal incontestable registered mark. Plaintiff include claims based on the alleged infringement and misuse of the following marks: "Stor-Mor; Self Storage and Design", Trademark Registration Number 3254674.

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1           5.     This action may be removed in its entirety pursuant to 28 U.S.C. §  
2 1441.

3           6.     The Orange County Superior Court is located within the Southern  
4 Division of the Central District of California. 28 U.S.C. § 84(c)(3). This venue is  
5 proper pursuant to 28 U.S.C. § 1391. This Notice of Removal is therefore properly  
6 filed in this Court pursuant to 28 U.S.C. § 1441(a).

7           7.     In accordance with 28 U.S.C. § 1446(d), Defendant is serving  
8 Plaintiffs with a copy of a Notice to Plaintiff of Filing of Notice of Removal of  
9 Action pursuant to 28 U.S.C. §§ 1441(a) and 1446(b). A true and correct copy of  
10 this Notice to Plaintiff is attached hereto as Exhibit D.

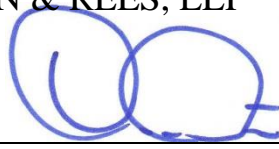
11           8.     Pursuant to 28 U.S.C. § 1446(d), Defendant is also filing in the  
12 Orange County Superior Court, and has served the same upon Plaintiffs, a Notice  
13 to Superior Court of Filing of Removal of Action Pursuant to 28 U.S.C. §§ 1441(a)  
14 and 1446(b). A true and correct copy of this Notice to Superior Court is attached  
15 hereto as Exhibit E.

16           WHEREFORE, Defendant hereby removes this action now pending against  
17 it in the Superior Court of the State of California for the County of Orange to this  
18 Honorable Court, and request that his Court retain jurisdiction for all further  
19 proceedings.

20                               Respectfully submitted,

21           Dated:

GORDON & REES, LLP

22                                 
23           By: \_\_\_\_\_  
24           Neil F. Martin  
25           John L. Haller  
26           Patricia Lee-Gulley  
27           Attorney for Defendants  
28           ANDRIE F. GRIMAUD AND  
                 MICHAEL R. MARQUARDT

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3 The following Exhibits are normally associated with a Request for Removal. The status of each  
4 is indicated below:

5  
6 Ex. A Complaint- Complaint as filed (downloaded from the court) is attached.

7 Ex. B Summons- No summons was served on any of the Defendants and no return of service was  
8 filed with the court. However, the Superior Court Judge set a time for the TRO hearing and State  
9 Court rules provide for that possibility in “exceptional” circumstances. Defendant’s attorney  
10 attended the hearing but made it clear he was Appearing Specially because no service had been  
11 made. Therefore, the Superior Court lacks jurisdiction because no service was made and no  
12 General Appearance was made by counsel. However, since the court is proceeding with a  
13 second TRO hearing removal is especially necessary because of the prejudice to the Defendants.

14 Ex. C- Corporation Service Company Notice of Service of Process- None

15 Ex D- Notice to Plaintiffs was provided by letter and fax forwarding the Notice of Removal  
16 Action filed herein to Plaintiff’s counsel (copy of Notice attached).

17 Ex. E Notice to Superior Court of Filing of Removal (attached)  
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